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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/649,459 | 08/27/2003 | Terumasa Suyama | 2842.18US01 | 5781 |

7590 04/19/2007
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| EXAMINER |
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RUTLAND WALLIS, MICHAEL

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| ART UNIT | PAPER NUMBER |
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2836

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 04/19/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/649,459 | SUYAMA ET AL. | |
| | Examiner | Art Unit | |
| | Michael Rutland-Wallis | 2836 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

In view of Applicant's amendment to claim 7 the previous 112 2nd paragraph rejection is withdrawn.

Applicant's arguments filed 01/16/2007 have been fully considered but they are not persuasive.

Applicant alleges the "operation restriction information for designating an operation of the vehicle and the accessory that is to be restricted is registerable" set forth in claim 1 and 8 is not rendered obvious by the cited prior art of Gunsch, Losey and Murakami.

Applicant cites the primary reference Gunsch fails to teach or suggest the claim limitation of designating an operation of the vehicle and the accessory that is to be restricted. Specifically citing that configuring a user accessibility that is to an asset or configuring button actions is not equivalent to designating an operation of the vehicle and the accessory to be restricted.

In response to Applicant's first assertion, the Office points out and as Applicant submits Gunsch teaches user defined accessibility to an asset. In other words Gunsch teaches allowing the use of a vehicle accessory by other than the owner or administrator of the vehicle after the owner determines when and what privileges to authorize the other users. Gunsch teaches a User Registration Submenu which may be

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used to assign such permissions to a user other than the administrator/owner. Gunsch teaches user defined various levels of authorization (see paragraph 0015) and in paragraph 0076 points out a exemplary list of devices or accessories which may be controlled such as: the truck, panic operation or horn activation, starting, stopping and locking and unlocking the vehicle. Therefore when Gunsch limits or denies authorization to a vehicle asset wherein that operation is restricted. Gunsch also teaches the limiting of designating an operation of the vehicle and the accessory to be restricted, by allowing only the administrator/owner to define the level of authorization of another user.

Applicant secondly cite Gunsch fails to teach or suggest a restriction information generation device that generates specific code corresponding to the operation restriction information, and the electronic key wirelessly outputs the specific code. In response the Office submits Gunsch describes signal codes define many criterion about the format of the signal including the frequency and data transmitted between the key and vehicle (paragraph 0065). Therefore Gunsch does in fact teach the output of a specific code. Gunsch does not teach detailed output codes associated with output of button when pressed by users of different authorization levels. Gunsch simply states the signal carries data to the receiver to wherein the transmitter will beam the proper signal when the switch setting is set to that asset and the appropriate button is pushed. Losey is cited to support the transmission of the authorization level where Gunsch is silent. Losey discloses the transmission of the appropriate authorization code, see paragraph 0006. Losey discloses first and a second level of authorization signal.

Further it appears applicant arguments against the references individually, and while each of Applicant's arguments has been rebutted Applicant is informatively reminded one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunsch (U.S. Pub. No. 20030117261) in view of Losey (EP 1 101 670 A2)

With respect to claims 1 and 8 Gunsch teaches an electronic key system (Fig 1) for use in a vehicle having an accessory (items 26 or 24), the electronic key system comprising: a electronic key (Fig. 1); an input device (items 26 or 32) arranged in the electronic key to input identification information (users fingerprint for example) to the electronic key; a first verification device arranged in the electronic key (item 33 and/or 49) connected to the input device to compare the input identification information with pre-registered identification information (stored in memory onboard microcontroller).

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Gunsch describes limiting or restricting control of the vehicle systems to children or valets (see paragraph 0014-0017), as a function of the electronic key system, therefore while not embodied in the drawings of Gunsch inherently Gunsch must include a restriction information generation device or component in order to affect provide various levels of authorization. Gunsch teaches the use of a transmitter item 45 to transmit specific codes (see paragraph 0065-0067) corresponding to the operation restriction information and the electronic key wirelessly outputs the code. Gunsch does not describe a control unit to perform wireless communication. Gunsch also lacks the teaching of a restriction control device with a second verification device arranged within the vehicle. Losey (EP 1 101 670 A2) teaches a similar system including a teaching of enabling restricted access to vehicle accessories by way of wireless communication when the certain signals or codes are transmitter to a restriction controller (item 22). Losey further teaches in column 3 lines 20-30 verifying authorization codes within the vehicle transmitted from the fob corresponding to different levels of security. Losey teaches controller operates in different modes based on codes exchanged between the controller and the fob (item 32). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the use of a control unit and verification device to verify and restrict certain vehicle systems based on transmitted vehicle codes in the system of Gunsch as seen in the teachings of Losey in order to increase the security of the vehicle if in fact such control circuitry is not present in the system of Gunsch.

With respect to claims 2 and 3 Gunsch teaches the input device is an individual identification device for detecting a distinctive bodily feature (i.e. fingerprint data) of an individual, and the pre-registered identification information is an pre-registered distinctive bodily feature, and wherein the first verification device (items 33 and/or 49) that compares the distinctive bodily feature detected by the individual identification device with the pre-registered distinctive bodily feature to determines whether the detected distinctive bodily feature matches the pre-registered distinctive bodily feature.

With respect to claim 4 Gunsch teaches the electronic key system includes a master key (driver's fingerprint) and a sub-key (such as a password paragraph 0069), which is used in lieu of the master key.

With respect to claim 5 and 6 Gunsch teaches the restriction information generation device is located in the located in the electronic key fob unit, which contains the key and sub-key unit.

With respect to claim 7 Gunsch as modified by Losey teaches the use of a controller located in the vehicle and a remote electronics key, which may be arranged in or out of the vehicle.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunsch (U.S. Pub. No. 20030117261) in view of Losey (EP 1 101 670 A2), and further in view of Murakami et al. (U.S. Pat. No. 6,281,599)

With respect to claim 8 Gunsch teaches an electronic key system (Fig 1) for use in a vehicle having an accessory (items 26 or 24), the electronic key system comprising; a electronic key (Fig. 1) to communicate with the vehicle to control the vehicle systems,

an input device (items 26 or 32) arranged in the electronic key to input identification information (users fingerprint for example) to the electronic key; a first verification device arranged in the electronic key (item 33 and/or 49) connected to the input device to compare the input identification information with pre-registered identification information (stored in memory onboard microcontroller). Gunsch describes limiting or restricting control of the vehicle systems to children or valets (see paragraph 0014-0017), as a function of the electronic key system, therefore while not embodied in the drawings of Gunsch inherently Gunsch must include a restriction information generation device or component in order to affect provide various levels of authorization. Gunsch teaches the use of a transmitter item 45 to transmit specific codes (see paragraph 0065-0067) corresponding to the operation restriction information and the electronic key wirelessly outputs the code. Gunsch does not describe a communication circuit to output a request signal via wireless communication. Gunsch also lacks the teaching of a restriction control device arranged within the vehicle. Murakami teaches the use of communication circuits and the transmitting of request signal in order to control access to vehicle functions. Losey teaches a similar system including a teaching of enabling restricted access to vehicle accessories by way of wireless communication when the certain signals or codes are transmitter to a restriction controller (item 22). Losey further teaches in column 3 lines 20-30 verifying authorization codes corresponding to different levels of security. Losey teaches controller operates in different modes based on codes exchanged between the controller and the fob (item 32). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the use of a control

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unit in the system of Gunsch as seen in the teachings of Murakami in order to increase the security of the vehicle if in fact such control circuitry is not present in the system of Gunsch and to include a restriction control device as seen in Losey in order to control the different levels of security or authorization as seen in the teaching of Gunsch.

With respect to claim 9 Gunsch as modified above teaches the key has code which is output and outputs the ID code by means of wireless communication when receiving the request signal, and the restriction control device (shown in Murakami or Losey) unlocks a door of the vehicle when the door of the vehicle is locked and the received ID code is an authorized one.

With respect to claim 10 Gunsch teaches the input device is an individual identification device for detecting a distinctive bodily feature is a fingerprint (i.e. fingerprint data) of an individual.

With respect to claim 11 Gunsch teaches the electronic key system includes a master key (driver's fingerprint) and a sub-key (such as a password paragraph 0069), which is used in lieu of the master key.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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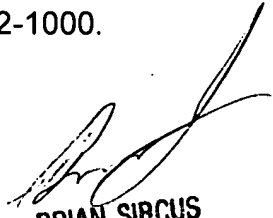
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2058. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRW



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